

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1262 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
27/07/2004 in WP No. 13100 OF 2004 on the file of the High Court.)

Between:

Managing Committee of the Bureau of Economics and Statistics Employees
Cooperative Housing Society Ltd,
Reg. No. TAB 156, 5-4-10, IV Floor, Sri Krishna Krupa J.N. Road, Abids, Hyderabad
- 500 001, rep. by its President.

..... APPELLANT

AND

- 1.The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P.
Gruhakalpa Buildings, Nampally, Hyderabad.
2. The Joint Registrar/District Cooperative Societies, Hyderabad (Urban) District,
Hyderabad.
3. The Deputy Registrar/Divisional Cooperative Officer, Secunderabad Division,
APHB Nampally, Hyderabad.
- 4.The Sub Divisional Cooperative Officer/Inspection Officer, O/o the Deputy
Registrar/Divisional Cooperative Officer,
Secunderabad Division, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.D.V.BHADRAM

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Writ Petition filed by the appellant was dismissed *in limini* at the admission stage by the order impugned in this Appeal. Appellant in its Writ Petition had questioned the legality and validity of the orders dated: 19.7.2004 in Rc.No.3849/98.Hsg., issued by the second respondent to be null and void and without jurisdiction and contrary to the provisions of Section 52(1) of the Andhra Pradesh Cooperative Societies Act, 1964, hereinafter referred to as “the Act”.

Learned counsel for the appellant, before the learned Single Judge, with reference to Section 52 of the Act, urged that the said provision is not applicable, in case, Respondent No.2 had thought it appropriate to consider the representation dated: 17.7.2004 submitted by the members and residents of the colony. Section 52 of the Act could have been invoked by the second respondent on his own motion or on the application of a creditor of the society, and, Respondent No.2 would have thereafter either inspected or directed inspection of the books of the Society. Representation of the members of the society or allegation made therein will not empower the Registrar to order inspection. He also represented that, at the most, Section 51 of the Act would have been invoked. But, that was not invoked. The learned Single Judge turned down the request without even taking up the said question raised by the petitioner.

When Appeal was taken up for consideration, we have asked learned counsel for the respondents to take appropriate instructions in the matter. Learned counsel for respondents, rightly and frankly, concedes that in the given facts and circumstances, orders could not have been passed by Respondent No.2 under Section 52 of the Act directing inspection of the books of the Society. We also find that on the given facts, order of the respondent No.2 is bad in law, and, contrary to the letter and spirit of Section 52 of the Andhra Pradesh Cooperative Societies Act, 1964. Consequently, we allow the appeal, and, set aside the impugned order with liberty reserved to the respondents to deal with the representation of members of the Society in accordance with law. No costs.

DEVINDER GUPTA, C.J.

1.9.2004.

C.V.RAMULU, J.

VR.

To

- 1.The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P. Gruhakalpa Buildings, Nampally, Hyderabad.
2. The Joint Registrar/District Cooperative Societies, Hyderabad (Urban) District, Hyderabad.
3. The Deputy Registrar/Divisional Cooperative Officer, Secunderabad Division, APHB Nampally, Hyderabad.
- 4.The Sub Divisional Cooperative Officer/Inspection Officer, O/o the Deputy Registrar/Divisional Cooperative Officer, Secunderabad Division, Hyderabad.
5. Two CCs to Govt. Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.